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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,210	05/30/2001	Scott Wolinsky	IT/02	7821

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EXAMINER
JONES, SCOTT E

ART UNIT	PAPER NUMBER
3713	6

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	09/870,210	WOLINSKY, SCOTT	
	Examiner	Art Unit	
	Scott E. Jones	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 May 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-108* is/are pending in the application.

4a) Of the above claim(s) *See Continuation Sheet* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *See Continuation Sheet* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 May 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2, 3* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Continuation of Disposition of Claims: Claims withdrawn from consideration are 5,6,12,14-16,21,22,28,30-32,38-40,42-44,50-52,54-80,86,87,90,92-94,100,101,104 and 106-108.

Continuation of Disposition of Claims: Claims rejected are 1-4,7,9-11,13,17-20,23,25-27,29,33-37,41,45-49,53,81-85,88,89,91,95-99,102,103 and 105.

DETAILED ACTION

Election/Restrictions

1. This office action is in response to the election filed on May 14, 2003 in which applicant elects Group I: claims 1-56 and 81-108, species A: claims 4, 20, 37, 49, 85, 99, and species b: claims 13, 29, 41, 53, 91, and 105.

2. Claims 57-80 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

3. Claims 5-6, 12, 14-16, 21-22, 28, 30-32, 38-40, 42-44, 50-52, 54-56, 86-87, 90, 92-94, 100-101, 104, and 106-108 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

Drawings

4. Regarding figures 3-5 and 7-8, color photographs and color drawings are acceptable only for examination purposes unless a petition filed under 37 CFR 1.84(a)(2) is granted permitting their use as acceptable drawings. In the event that applicant wishes to use the drawings currently on file as acceptable drawings, a petition must be filed for acceptance of the color photographs or color drawings as acceptable drawings. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and an amendment to the first paragraph of the brief description of the drawings section of the specification which states:

> The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings have been satisfied.

Specification

5. The use of the trademark MONOPOLY® has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-4, 7, 9, 17-20, 23, 25, 33, 35-37, 45, 47-49, 81-85, and 95-99 are rejected under 35 U.S.C. 102(a) as being anticipated by Online MONOPOLY®.

Online MONOPOLY® discloses the traditional game of MONOPOLY® played online by one or more players connected to the game website via personal computers. Online MONOPOLY® discloses:

Regarding Claims 1, 2, 17, 18, 33, 35, 45, 47, 48, 81, 82, 83, 95, 96, and 97:

- inputting at one of a plurality of communication terminals (player's personal computer) connected via a communications link (typically a phone line), an

instruction (click the roll dice button) to determine an outcome (determine how may spaces a player's token will be moved); and

- randomly determining at said one terminal (roll dice), a signal representing said outcome to send to each of said terminals for display (the player's token will be highlighted and moved on the screen).

Regarding Claims 3, 4, 19, 20, 36, 37, 49, 84, 85, 98, and 99:

- said displayed outcome simulates a game accessory (simulated die).

Regarding Claims 7 and 23:

- said signal is an inband signal transmitted over said communications link. The game data downloaded to a player's personal computer is an "inband" signal.

Regarding Claims 9, 25, 33, and 45:

- defining a plurality of identifiers (player's token) use to differentiate between said terminals;
- determining at each of said terminals, from which terminal said signal originated (when it is a player's turn, their respective token will be highlighted and moved upon clicking the roll dice button); and
- indicating at each of said terminals, said outcome and originating terminal identifier (player's token moves upon clicking the roll dice button).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

> such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 11, 27, 34, 46, 89, and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Online MONOPOLY®.

Online MONOPOLY® discloses that as discussed above regarding claims 1-4, 7, 9, 17-20, 23, 25, 33, 35-37, 45, 47-49, 81-85, and 95-99. Online MONOPOLY® seems to lack explicitly disclosing:

Regarding Claims 11, 27, 34, and 46:

- each identifier is represented by a different color emitted by one or more LED's.

Regarding Claims 89 and 103:

- the displayed outcome enables a game player to indicate a bet.

Regarding Claims 8 and 24:

- the inband signal comprises at least one dual tone multi-frequency signal.

Regarding claims 11, 27, 34, and 46, to one having ordinary skill in the art at the time of applicant's invention, it would have been obvious to represent each player token with a different color. One would be motivated to do so because this would enhance the graphics on the display screen and make it easier for player's to distinguish between game tokens.

Regarding claims 89 and 103, to one having ordinary skill in the art at the time of applicant's invention, it would have been obvious for a player to place a bet based on the outcome of the die before each turn. One would be motivated to do so because this would provide a side game making the main game more exciting.

Regarding Claims 8 and 24, to one having ordinary skill in the art at the time of applicant's invention, it would have been obvious to play Online MONOPOLY® over a

computer network connection via a standard modem which sends and receives dual tone multi-frequency signals upon connecting to an Internet provider's server. One would be motivated to do so because this is a conventional way to play online games.

10. Claims 10 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Online MONOPOLY® in view of Teshima et al. (U.S. 5,273,288).

Online MONOPOLY® discloses that as discussed above regarding claims 1-4, 7, 9, 17-20, 23, 25, 33, 35-37, 45, 47-49, 81-85, and 95-99. However, Online MONOPOLY® seems to lack explicitly disclosing:

Regarding Claims 10 and 26:

- conversing parties associated with said terminals can spontaneously set up and play a game without interfering with an ongoing conversation over said communications link.

Teshima et al., like Online MONOPOLY®, teaches of game(s) that can be played over a communications line, such as, a telephone line. Therefore, Online MONOPOLY® and Teshima et al. are analogous art. Furthermore, Teshima et al. teaches each player has a game board that is connected to a telephone line such that one player can play a game against another player in real-time over a telephone line. Teshima et al. additionally teaches:

Regarding Claims 10 and 26:

- conversing parties associated with said terminals can spontaneously set up and play a game without interfering with an ongoing conversation over said communications link (column 3, lines 10-21).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Teshima's communication feature in Online MONOPOLY®. One would be motivated to do so because enabling players to converse during the game makes the game more entertaining a personally interactive.

11. Claims 88 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Online MONOPOLY® in view of Mckay et al. (U.S.Pub. 2002/0082067).

Online MONOPOLY® discloses that as discussed above regarding claims 1-4, 7, 9, 17-20, 23, 25, 33, 35-37, 45, 47-49, 81-85, and 95-99. However, Online MONOPOLY® seems to lack explicitly disclosing:

Regarding Claims 88 and 102:

- the displayed outcome simulates a timer.

Mckay et al. teaches of a trivia board game played on a personal computer. Mckay et al. and Online MONOPOLY® are analogous art since both teach of board games that are played on personal computers. Mckay et al. teaches:

Regarding Claims 88 and 102:

- the displayed outcome simulates a timer (13) (fig. 1).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Mckay's timer in Online MONOPOLY®. One would be motivated to do so to place a limit on the amount of time a player has to decide whether to purchase a property the player has landed on during their turn.

12. Claims 13, 29, 41, 53, 91, and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Online MONOPOLY® in view of Eck et al. (U.S. Pub. 2002/0045484).

Online MONOPOLY® discloses that as discussed above regarding claims 1-4, 7, 9, 17-20, 23, 25, 33, 35-37, 45, 47-49, 81-85, and 95-99. However, Online MONOPOLY® seems to lack explicitly disclosing:

Regarding Claims 13, 29, 41, 53, 91, and 105:

- at least one of the terminals is a wireless telephone.

Eck et al., like Online MONOPOLY®, teaches playing games over a network. Therefore, Eck et al. and Online MONOPOLY® are analogous art. In particular, Eck et al. teaches of implementing GAME BOY® video games and other applications in a cellular telephone. Eck et al. teaches:

Regarding Claims 13, 29, 41, 53, 91, and 105:

- at least one of the terminals is a wireless telephone (paragraph 19).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to play MONOPOLY® on a wireless telephone. One would be motivated to do so because this would allow a player to play the game on subways, at sports arenas, after school, and in a number of other contexts.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hutcheson et al. '743 and Kunzle et al. '819 disclose methods and systems for playing video games on wireless networks.
- Carlson '286 discloses simulating a random number generator, such as a roll of the die, in a computer.

- Vuong et al. '552 and Thomas et al. '975 disclose wagering applications over a network.
- Kagan et al. '045, Sonoda et al. '068, and Takenouchi et al. '528 disclose interactive multiple player game systems and methods for playing games between a plurality of players over a wireless network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael O'Neill, Acting SPE can be reached on (703) 308-1148. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ
sej
July 18, 2003

MICHAEL O'NEILL
PRIMARY EXAMINER